

**MINUTES**  
**Crested Butte Town Council**  
**Regular Meeting**  
**Crested Butte Town Hall**  
**Monday, September 19, 2005**

Mayor James Schmidt called the meeting to order at 7:08 p.m. Council members present: Margot Levy, Ron Chlipala, Bill Coburn, Michael Helland, Skip Berkshire and Alan Bernholtz. Staff present: Town Manager Frank Bell, Town Attorney Laura Magner, Town Clerk Eileen Hughes, Building Official Bob Gillie, Design Review Coordinator Molly Minneman and Town Planner John Hess

Schmidt noted that Crested Butte Mountain Resort representative John Norton and Friends of Snodgrass representative Mike Martin gave presentations at a work session prior to the meeting regarding the proposed expansion of the ski area onto Snodgrass Mountain.

Approval of the minutes of the September 6, 2005 regular council meeting.  
Chlipala moved and Levy seconded to approve the minutes as amended on page 1.  
Roll call vote taken with all voting yes. **Motion passed unanimously.**

1. **PUBLIC COMMENTS** -None

2. **COUNCIL COMMENTS**

Levy:

- Reported on the Mutual Self Help build day recently held at the Paradise Park Subdivision.
- Reported on Chamber of Commerce efforts to provide a Health Insurance program for Chamber members. The Chamber asked the Town to write a letter of support for the idea of affordable health care coverage for Chamber members. Council supported providing a letter of support. Bell will draft the letter.

Coburn:

- Would like another opportunity for Crested Butte Mountain Resort representative John Norton to present more details on the proposal for the expansion of the ski area onto Snodgrass Mountain. Several other council members agreed with Coburn that insufficient details were provided by Norton in the work session held prior to the regular council meeting and they said they want more information. Bell will contact Norton.

Schmidt:

- Recently attended the Tourism Association's (TA) annual meeting in Almont. The TA presented information on their activities during the last year.
- Schmidt is not sure if a benefit concert for victims of hurricane Katrina will be held in Crested Butte. Has been in contact with the U.S. Department of Agriculture (U.S.D.A.) director of housing in Delta who is coordinating relocation of hurricane refugees to the area. Schmidt is

waiting to hear back from him if there are refugees who want to come to Crested Butte.

3. **PUBLIC HEARINGS**

A) Special Events Permit –Slate River School Yard Sale at 4-Way Stop- September 24, 2005. Council briefly discussed concern about possible parking problems noted by Bell because the event is being held on the same day as Vinotok Celebrations and the Vinotok Food Faire.

Bernholtz moved and Levy seconded to approve a Special Events permit for the Slate River School Yard Sale. Roll call vote taken with all voting yes. **Motion passed unanimously.**

5. **NEW BUSINESS**

A) Consideration of Appeal by Rob Quint of Board of Zoning and Architectural Review (BOZAR) Decision Regarding Re-siding of Residence at 402 Sopris Avenue.

Chlipala noted that he had an insubstantial conversation with Rob Quint on the matter. Schmidt also disclosed that he had a very brief conversation with Quint on the matter.

Proponent Rob Quint presented information regarding his application, which involved a request to apply faux log siding to the front elevation and part of the side elevations at a residence located at 402 Sopris Avenue. Quint's Attorney Jim Starr also presented information regarding the application and asked that photos presented by Quint be entered into the record. Schmidt noted for the record the memo dated 9/12/05 from Design Review Coordinator Molly Minneman. Minneman explained that BOZAR's decision to deny the faux log siding was primarily based on Design Guideline \*A4.48 b. Building Official Bob Gillie and BOZAR members Linda Beck and Keith Bauer also commented on the application.

Public Comments: Several of Quint's neighbors including Bonnie Chlipala, Elaine Crumpton, Liz Bernholtz and Elaine Weston expressed support for Quint's request to apply faux log siding noting that it will improve the appearance of the house. Several commented that the current house is odd and unattractive.

Council discussed the matter and asked staff several questions.

Levy moved and Helland seconded to uphold BOZAR's decision regarding siding of residence at 402 Sopris Avenue because BOZAR has properly applied guideline A 4.48. Roll call vote taken with Levy and Berkshire voting "Yes" and Helland, Coburn, Schmidt, Bernholtz and Chlipala voting "No." **Motion fails 2-5.**

B) Resolution No. 8, Series 2005-Regarding Protection of Colorado Natural Resources from Energy Development and Support of the Colorado Water Quality Control Division.

Resolution proponent, Steve Glazier, spoke in support of the resolution and gave some background information on water quality concerns related to oil and gas extraction.

Bernholtz moved and Coburn seconded to approve Resolution No. 8. Roll call vote taken with all voting yes. **Motion passed unanimously.**

C) Schedule Date to Consider Appeal by Brad Holleran of BOZAR Decision Concerning Roof of Residence located at 2 Butte Ave.

Bell recommended council consider the appeal at the October 17, 2005 regular council meeting.

Bernholtz moved and Levy seconded to schedule Brad Holleran's appeal of BOZAR decision concerning roof of residence located at 2 Butte Ave. for the October 17, 2005 regular council meeting. Roll call vote taken with all voting yes. **Motion passed unanimously.**

D) Approval of Appointments to Election Commission.

Bell explained that Keith Bauer and Glo Cunningham, who served in the past, are willing to serve again and he recommended their appointment.

Levy moved and Bernholtz seconded to approve the appointment of Gloria Cunningham and Keith Bauer to the Town of Crested Butte Election Commission. Roll call vote taken with all voting yes. **Motion passed unanimously.**

E) Request for Quitclaim Deed and Easement Agreement Regarding Lot 13, Treasury Hill.

Magner showed the council a topographic survey map of lot 13 Treasury Hill and explained that the Town water transmission was not in the location noted on the original easement. Because of the discrepancy, Magner said the applicant is asking the Town to establish the easement in the actual location of the waterline and to quitclaim to the owner of Lot 13, Treasury Hill any interest the Town may have in the original easement conveyed in the easement deed. Magner noted that she consulted staff on the matter and the only point of contention was the applicant's request to locate a fence within the easement.

Building Official Bob Gillie said the staff recommends a fence not be allowed in the easement. Realtor Jim Gebhart presented some background information and asked council to consider allowing a fence in the easement. The applicants' attorney, Jill Frazier, also spoke in favor of allowing the fence noting that the Town would have the right to access the waterline.

Council and staff discussed the matter of allowing a fence in the easement and concern about the possibility of the Town having to access the water line. It was noted that the Town typically does not allow fences in easements.

Council also discussed whether or not to allow an asphalt driveway or only a

gravel driveway. Coburn noted that a backhoe can quickly rip up an asphalt driveway should the Town need to access the waterline.

Coburn moved and Levy seconded to allow a change of waterline easement for Lot 13, Treasury Hill and within the easement the property owners (and their successors and assigns) may only construct an asphalt or gravel parking area and plant grass or other landscaping improvements that do not exceed grade level. The mayor is given the authority to sign all documents to effect the change of easement but if applicant changes their mind the Town will not pursue the change. Roll call vote taken with Berkshire, Helland, Levy, Schmidt, Chlipala and Coburn voting “Yes” and Bernholtz voting “No.” **Motion passes 6-1.**

F) Renewal and Reaffirmation of Purchase Agreement and Intergovernmental Agreement Regarding the Crested Butte Academy.  
Schmidt noted memo from Bell regarding the matter and the document in the packet. There was no discussion and no public comment.

Coburn moved and Bernholtz seconded to renew and reaffirm the Purchase Agreement and Intergovernmental Agreement between the Town of Crested Butte and the Crested Butte Academy. Roll call vote taken with all voting yes. **Motion passed unanimously.**

#### **6. LEGAL MATTERS/TOWN ATTORNEY**

Magner said staff suggested an ordinance change to accommodate a situation regarding the calculation of Floor Area ratio on certain types of structures. Magner explained the proposed change concerns buildings with connectors and would amend the definition of a detached building. Council directed Magner to draft an ordinance and present it to the Board of Zoning and Architectural Review (BOZAR) for consideration prior to bringing it to Council. Council also asked staff to provide a synopsis of buildings that will be affected by the ordinance change. The synopsis is to be provided when the ordinance is submitted to Council.

Magner also suggested Council consider revisions to the Town Code regarding the Real Estate Transfer Tax. She explained that many entities today are Limited Liability Corporations (LLC) and the code should be revised to include LLCs as well as Corporations. She noted that the omission of LLCs provides a loophole for the Real Estate Transfer Tax. Council asked Magner to draft an Ordinance regarding LLCs and the Real Estate Transfer Tax.

#### **7. STAFF REPORTS**

Hess:

- Reminded council of the joint work session on September 26 with the Gunnison County Board of Commissioners regarding the Crested Butte Area Plan. Also a continuation of the Planning Commission (Town of Crested Butte) public hearing on the Crested Butte Area Plan will be held on October 4. He will provide council with pages of revisions to the document.
- Advised council of a proposal to build within the 25 foot set back of

wetlands at the Skyland River Neighborhood Subdivision. The County Land Use Regulation (LUR) requires approval. Council asked Hess to look into the proposal.

- The County Planning Commission will discuss essential housing (affordable housing) at a meeting on September 23 and the Board of County Commissioners plans to hold a public hearing on affordable housing in October. Hess noted that as currently proposed the rate of increase in value of affordable housing will be tied to the Consumer Price Index. Levy requested a copy of the details regarding the affordable housing proposal.

Hughes:

- Noted that information regarding the upcoming mail-in ballot election is posted on the Town's website on the home page.

#### 8. **COUNCIL REPORTS AND COMMITTEE UPDATES**

Levy:

- The municipal judge selection committee met recently to discuss the process for the selection a new judge. There are five applicants. Berkshire and Levy will interview all five candidates. Staff will provide a list of guiding principles for the selection of the judge and the list will help Levy and Berkshire craft interview questions.

Coburn:

- The Crested Butte Arts and Recreation subcommittee concerning recreation will provide information to council at the next meeting.

Bernholtz:

- Requested that council be informed when council subcommittee meetings are scheduled (in addition to the meeting notices being posted).

Schmidt:

- Congratulated Levy on her Colorado Municipal League Leadership training certificate.

#### 9. **OTHER BUSINESS TO COME BEFORE COUNCIL**

Chlipala moved and Levy seconded to schedule a Special Council meeting on October 24, 2005 at 6 p.m. for a public hearing on the 2006 Budget.

Roll call vote taken with all voting yes. **Motion passed unanimously.**

#### 10. **COUNCIL MEETING SCHEDULING**

Council briefly discussed several upcoming meeting dates including a joint work session with the Gunnison County Commissioners on the Crested Butte Area Plan on September 26, 2005 at 5:30 p.m.

Schmidt adjourned the meeting at 10:17 p.m. by unanimous consent.

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James A. Schmidt, Mayor

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Eileen Hughes, Town Clerk

